

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

**Debra Davie,
Joseph Davie,**

:
: **Case No.: 23-10103**
: **Chapter 13**
: **Judge Ashely M. Chan**
: *****

Debtors.

:
:
: **Related Document No. 2**

**OBJECTION OF PNC BANK, N.A. TO THE
CONFIRMATION OF THE PLAN (DOCKET NUMBER 2)**

PNC Bank, N.A. ("Creditor") by and through its undersigned counsel, objects to the confirmation of the currently proposed plan ("Plan") filed by Debra Davie and Joseph Davie (collectively, "Debtor") as follows:

1. Creditor holds a security interest secured by a mortgage lien on Debtor's property commonly known as 220 Willow Rd, Wallingford, PA 19086-6951 ("Property").
2. Creditor intends to file a Proof of Claim in the amount of \$27,145.30. This amount includes a pre-petition arrearage in the amount of \$11,209.65.
3. Debtor's Plan does not provide for the arrearage due on Creditor's claim but instead proposes to pursue the possibility of a sale of the Property for six months, until July 14, 2023, without any payment towards the pre-petition arrears in the amount of \$11,209.65 on Creditor's claim, or adequate protection monthly mortgage payments.
4. The six-month period of time that Debtor proposes to pursue a sale is excessively long and speculative without addressing Creditor's arrearage claim.
5. Debtor's Plan should be amended to fully fund the arrears and provide for ongoing monthly mortgage payments until such time as a sale, if any, eventuates.

6. Debtor's Plan also does not provide for payment in full of the subject mortgage, as it only provides for payment in full of the liens listed in Section 4(b)(1) of the Plan, in which Section Creditor's claim is not listed.
7. Debtor's Plan also does not provide that a payoff would need to be obtained from Creditor prior to any sale of the Property in order to ensure that the full amount of the subject mortgage is paid through any sale of the Property.
8. Further, the Plan does not provide any details as to the marketing of the Property that would enable a creditor to determine whether a sale of the Property is feasible, e.g., price, specifically when the Property will be listed for sale, etc.
9. Finally, the Plan does not provide for treatment of the claim in the event after July 14, 2023, a sale of the Property does not materialize.
10. As such, Debtor's Plan represents an impermissible modification of Creditor's claim and a violation of 11 U.S.C. §§1322 and 1325.

WHEREFORE, Creditor respectfully requests that the Court deny the confirmation of the Debtor's currently proposed Plan.

Respectfully submitted,

/s/Alyk L. Oflazian

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Attorneys for Creditor

The case attorney for this file is Alyk L. Oflazian.

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CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Objection of PNC Bank, N.A. to the Confirmation of the Plan (Docket No. 2) was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Scott F. Waterman, Chapter 13 Trustee, ECFMail@ReadingCh13.com

John L. McClain, Attorney for Debra Davie and Joseph Davie, aaamccclain@aol.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Debra Davie and Joseph Davie, 220 Willow Rd, Wallingford, PA 19086

Delaware County Tax Claim Bureau, Gov't Ctr Bldg, 201 W. Front Street, Media, PA 19063

Pnc Bank, 2730 Liberty Ave, Pittsburgh, PA 15222

Township of Nether Providence, 214 Sykes Lane, Wallingford, PA 19086

Worlds Foremost Bank, 4800 Nw 1st Street, Lincoln, NE 68521

/s/Alyk L. Oflazian